

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

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IN THE MATTER OF THE  
CHEMICAL RECOVERY SYSTEMS  
SUPERFUND SITE, ELYRIA, OHIO.

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Deposition of

WILLIAM GRIFFITH

May 8, 2008  
9:00 a.m.

Taken at:  
Elyria City Hall  
131 Court Street  
Elyria, Ohio

Renee L. Pellegrino, RPR, CLR

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1           I N D E X

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3   EXAMINATION OF           10    5

4   WILLIAM GRIFFITH

5   BY MR. NASH

6   EXAMINATION OF           23    1

7   WILLIAM GRIFFITH

8   BY MR. PANZA

9   EXAMINATION OF           25    10

10   WILLIAM GRIFFITH

11   BY MR. CLAY

12   EXAMINATION OF           27    1

13   WILLIAM GRIFFITH

14   BY MR. McWILLIAMS

15   FURTHER EXAMINATION OF   41    5

16   WILLIAM GRIFFITH

17   BY MR. CLAY

18   FURTHER EXAMINATION OF   42    1

19   WILLIAM GRIFFITH

20 BY MR. McWILLIAMS

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1 WILLIAM GRIFFITH, of lawful age,  
2 called for examination, as provided by the  
3 statute, being first duly sworn, as hereinafter  
4 certified, said as follows:

5 EXAMINATION OF WILLIAM GRIFFITH  
6 BY MR. NASH:

7 Q. Mr. Griffith, sir, would you spell  
8 your name for the court reporter?

9 A. G-r-i-f-f-i-t-h.

10 Q. And your first name?

11 A. William, W-i-l-l-i-a-m.

12 Q. And what's your street address,  
13 sir, where you live?

14 A. 7930 Quarry Road, Amherst, Ohio.

15 Q. I believe, sir, you're a retired  
16 employee of Harshaw Chemical?

17 A. Right.

18 Q. And I saw you wore your Engelhard  
19 jacket today.

20       A.   Yeah.

21       Q.   Were they Engelhard when you

22   retired?

23       A.   Yeah.

24       Q.   And I believe you worked there for

25   most of your career?

1       A.   Thirty-nine years.

2       Q.   What year did you start?

3       A.   I don't recall the year I started

4 in. '55, I believe.

5       Q.   '55.

6           And so you just retired a few years

7 ago?

8       A.   I retired in '95.

9       Q.   Oh, in '95. I'm sorry.

10           What did you do with -- let's see.

11 Were they Harshaw Chemical when you joined

12 them?

13       A.   Yes.

14       Q.   And what did you do? What were the

15 nature of your duties when you were first

16 employed there?

17       A.   Pill machines.

18       Q.   Pill machines?

19       A.   Yes.

20 Q. What exactly is a pill machine?

21 A. Make pills.

22 Q. The kind you take for your health

23 you mean?

24 A. No. For gasoline and stuff.

25 Q. Gasoline and stuff. I'm not sure

1 if I really understand that. Can you explain a

2 little further?

3 A. All I know is they use it for

4 gasoline.

5 Q. What department were you working in

6 when you were making the pills?

7 A. 580.

8 Q. Did you stay in 5E?

9 A. No. 580.

10 Q. 580?

11 A. Yes.

12 Q. And how long did you work at that

13 particular job?

14 A. A couple of years.

15 Q. Then what sort of work did they ask

16 you to do?

17 A. I started driving trucks.

18 Q. You started driving trucks in the

19 late '50s?

20       A.   Yes.

21       Q.   And did you drive a truck for

22 Harshaw for any length of time?

23       A.   For about 22 years.

24       Q.   For about 22 years.

25           And what were you doing as a truck



1 driver? Did you make deliveries?

2 A. Hauling color to Cleveland.

3 Q. Hauling color to Cleveland?

4 A. Yeah.

5 Q. What was the nature of the business  
6 that Harshaw was engaged in?

7 A. I don't know.

8 Q. The reason we've asked you to come  
9 here today is because we all have a particular  
10 interest in what we call "the site," otherwise  
11 known as the Chemical Recovery Systems site.  
12 It's a property of about two acres in extent on  
13 the west side of Locust street, just across the  
14 road from Harshaw Chemical, which I believe is  
15 now owned by BASF. I'm just going to go on  
16 calling it Harshaw Chemical for most of the day  
17 here. I know they were owned by a number of  
18 different firms, but we're primarily interested  
19 in the property across the street from Harshaw

20 and what went on on that property.

21 Did you know Russ Obitts?

22 A. Yeah, I knew him.

23 Q. How did you know him?

24 A. He's the man who hired me.

25 Q. He hired you?

1 A. Yes.

2 Q. And when did he hire you?

3 A. I don't know what month or year it  
4 was.

5 Q. Do you know what decade it was?

6 A. No, I don't.

7 Q. That makes it a little harder. Do  
8 you know what time of year it was?

9 A. Sometime in the spring of the year.

10 Q. In the spring of the year.

11 And my understanding was that you  
12 were working for Harshaw at the time?

13 A. Yes.

14 Q. And how did you come to work for  
15 Mr. Obitts?

16 A. We was on strike.

17 Q. Harshaw was on strike?

18 A. Yeah.

19 Q. I've got something with me in my

- 20 bag here that I'd like to show you. This is a
- 21 newspaper clipping from September 16th, 1974.
- 22 It talks about the settlement of a strike at
- 23 Harshaw.
- 24 A. Yeah.
- 25 Q. I believe the longest strike they

1 had ever had. Apparently the strike began in  
2 May, I believe, and ran for 142 days, settling  
3 in September. Would that help to refresh your  
4 recollection as to when you worked at  
5 Mr. Obitts?

6 A. It's probably during that time.

7 Q. That's what I was thinking.

8 MR. PANZA: What's the newspaper?

9 MR. NASH: The Chronicle Telegraph,  
10 Elyria Ohio. The story is from Monday,  
11 September 16th, 1974.

12 MR. PANZA: Thanks, Tom.

13 MR. NASH: Sure.

14 Q. So Harshaw went on strike in 1974?

15 A. Yeah.

16 Q. In the spring of the year, as you  
17 were saying?

18 A. Yeah.

19 Q. And you made some arrangement with

20 Russ Obitts at that time?

21 A. Yeah.

22 Q. He hired you to --

23 A. Yes.

24 Q. What did he hire you to do?

25 A. Drive truck.

1 Q. For his company?

2 A. Yeah.

3 Q. And you worked for him for about  
4 three, four months?

5 A. Three or four months.

6 Q. So from May to September of that  
7 year?

8 A. Yes.

9 Q. And you went back to work at  
10 Harshaw when the strike was over?

11 A. Yes.

12 Q. Do you know about any use by  
13 Harshaw of the Chemical Recovery Systems  
14 property or the Obitts site property during the  
15 years you worked for Harshaw?

16 A. No, I don't.

17 Q. Do you know about any chemicals  
18 transferred from one facility to the other?

19 A. No.

20       Q.   Well, I just thought I'd ask a  
21   couple questions about that, but I'm going to  
22   primarily focus on your brief employment with  
23   Mr. Obitts, and the site, as we call it.  
24            So you began driving truck for  
25   Mr. Obitts in May of 1974?



1       A.   Probably correct.

2       Q.   And where did you go when you drove  
3 these trucks?

4       A.   We went to different places. I was  
5 in West Virginia, Pennsylvania, and that was  
6 about it.

7       Q.   Did you know what the nature of  
8 Mr. Obitts' business was?

9       A.   No.

10      Q.   Did you know what he did?

11      A.   No, I didn't.

12      Q.   You yourself, were you asked to  
13 pick things up when you went out with the  
14 trucks?

15      A.   Yeah.

16      Q.   What kind of trucks did you drive?

17      A.   Well, I drove a tractor and  
18 trailer.

19      Q.   Tractor and trailer?

20      A.    Yeah.

21      Q.    Did you haul a van or a tanker?

22      A.    No. I did pull tankers.

23      Q.    You didn't pull tankers?

24      A.    Yes.

25      Q.    Oh, you did pull tankers. And did

1 you ever haul a van?

2 A. Yes.

3 Q. So on any given day you might be

4 hauling either a van or a tanker?

5 A. Yeah.

6 Q. Do you remember the kind of tractor

7 you drove, whether it was a white or Mack?

8 A. I drove a white.

9 Q. A white?

10 A. Yeah.

11 Q. I knew they had a white truck, one

12 they called the number 10 white.

13 Do you remember any companies that

14 you made pickups from?

15 A. Sherwin & Williams is all in

16 Cleveland.

17 Q. Sherwin & Williams in Cleveland?

18 A. Yeah.

19 Q. You know you made pickups there?

20      A.    Yeah.

21      Q.    And was that with the tanker?

22      A.    Yeah.

23      Q.    And how often would you go to

24    Sherwin Williams in Cleveland?

25      A.    About once a week.

1 Q. About once a week?

2 A. Yeah.

3 Q. And when you were there, would you  
4 pump the material into the tanker yourself or  
5 would the Sherwin Williams employees do it for  
6 you?

7 A. The Sherwin Williams employees  
8 would do it for us.

9 Q. How long would that take?

10 A. Sometimes different. It varied.  
11 From two to three hours.

12 Q. And would you get a full tanker  
13 load?

14 A. Yeah.

15 Q. And then you'd take it back to the  
16 site?

17 A. Yeah.

18 Q. Do you remember other companies  
19 that you drove to besides Sherwin Williams?

20      A.    No, I don't.

21      Q.    You were mentioning West Virginia.

22    Do you know where you went in West Virginia?

23      A.    I went to Hundred, West Virginia.

24      Q.    Hundred, West Virginia?

25      A.    Yes.

1 Q. And I think you mentioned driving  
2 to Pennsylvania as well?

3 A. Yeah.

4 Q. Do you know where you went in  
5 Pennsylvania, any towns?

6 A. Went to Rochester, Pennsylvania.

7 Q. Rochester?

8 A. Yeah.

9 Q. Did you ever go to New York?

10 A. No.

11 Q. Did you ever have to go to  
12 Kentucky?

13 A. No.

14 Q. Maybe other towns in Ohio?

15 A. No.

16 Q. Cambridge?

17 A. No.

18 Q. So the only place you would go in  
19 Ohio would be Cleveland?

20       A.   Yeah.

21       Q.   When your employment with

22 Mr. Obitts was over, you went back to work with

23 Harshaw?

24       A.   Yes.

25       Q.   Did you have an arrangement with



1 Mr. Obitts that you would only drive trucks as  
2 long as you were on strike at Harshaw?

3 A. Yes.

4 Q. So they knew you would be going  
5 back to Harshaw then?

6 A. Yeah.

7 Q. And I think you said you drove  
8 trucks for 22 years. That would probably take  
9 you up to the end of the '70s or so. Did you  
10 do something else at Harshaw when you stopped  
11 driving trucks?

12 A. I worked in shipping and receiving.

13 Q. What sort of things did you do in  
14 that job?

15 A. Shipped stuff out and received  
16 stuff.

17 Q. What sort of stuff would you ship  
18 out?

19 A. Color.

20 Q. Color.

21 Was that pretty much what Harshaw's  
22 business was, making pigment, making color?

23 A. Yeah.

24 Q. And what sort of stuff would they  
25 get shipped in?

1       A.   All different kinds of stuff, raw  
2 materials. I don't know what kind it was.

3       Q.   Would the raw materials come in  
4 boxes or bags?

5       A.   Bags.

6       Q.   Big bags?

7       A.   Yeah.

8       Q.   What they call super sacks?

9       A.   Yeah.

10      Q.   And the contents would perhaps be a  
11 powder or --

12      A.   Yeah, it would be a powder.

13           MR. NASH: I may reserve the right  
14 to ask you another question or two later on,  
15 but I think I'll let somebody else ask  
16 questions now.

17           Rich, do you have any questions of  
18 this witness?

19           MR. PANZA: Just a couple.

20           Do you have a statement, Tom?

21           MR. NASH: Yes. I do have an

22   unredacted affidavit of William J. Griffith. I

23   had several copies made. You can introduce it

24   into evidence if you'd like. I'd be happy to

25   give you a copy of it.

1 EXAMINATION OF WILLIAM GRIFFITH

2 BY MR. PANZA:

3 Q. Mr. Griffith, how old are you?

4 A. Seventy-one.

5 Q. And do you remember giving a  
6 statement about some of the things that Tom has  
7 asked you about this morning?

8 A. No.

9 Q. Are you on any medication this  
10 morning?

11 A. No.

12 Q. How do you think your memory is,  
13 pretty good?

14 A. Pretty good.

15 Q. Do you have any vocation now? Do  
16 you do anything? Do you golf?

17 A. I work.

18 Q. You work. Where do you work?

19 A. Down in Lorain.

20 Q. What do you do in Lorain?

21 A. Delivery.

22 Q. For whom?

23 A. It's a publishing company.

24 Q. Do you know its name?

25 A. No, I don't know its name.

1 Q. And how long have you been working

2 there?

3 A. Just a week.

4 Q. And before you worked there did you

5 work?

6 A. No.

7 Q. So before you took that job doing

8 deliveries, you were basically doing nothing

9 from '95?

10 A. Yeah.

11 Q. I'm going to hand you this and I

12 want you to tell me if it looks familiar to

13 you. I'm going to ask you to take a look at

14 that and take your time and see if you know

15 what it is.

16 Are you done reading it?

17 A. Yeah.

18 Q. Have you ever seen it before?

19 A. Yeah.

20 Q. What is it?

21 A. Pardon?

22 Q. Could you tell me what it is?

23 A. I don't know what it is.

24 Q. Sorry?

25 A. No. I don't know what it is.



1 Q. But you have seen it before?

2 A. Yeah.

3 Q. When did you see it?

4 A. I don't know. Three or four weeks

5 ago, a month ago.

6 Q. Was that the first time you saw it?

7 A. Yeah.

8 MR. PANZA: No other questions.

9 I'd like to mark that, though.

10 EXAMINATION OF WILLIAM GRIFFITH

11 BY MR. CLAY:

12 Q. Good morning, Mr. Griffith. My

13 name is Darrell Clay.

14 You testified this morning that you

15 made pickups from Sherwin Williams during the

16 three to four months that you worked for Obitts

17 Chemical Company; is that right?

18 A. Yeah.

19 Q. Could you tell me where the Sherwin

20 Williams facility was located, the one that you

21 made the pickups from?

22 A. Off of 25th Street, I think it was.

23 Q. Off of 25th Street in Cleveland

24 or --

25 A. Cleveland.

1       Q.   And for each of those pickups were  
2   you picking up using the tanker or were you  
3   picking up using drums?

4       A.   Tanker.

5       Q.   Each time was a tanker pickup?

6       A.   Yes.

7       Q.   And what was the capacity of the  
8   tanker that you used to make pickups from the  
9   Sherwin Williams facility?

10      A.   About 8,000 gallons.

11      Q.   8,000 gallons.

12           And was that the only size tanker  
13   truck that CRS or Obitts Chemical had was 8,000  
14   gallons?

15      A.   Yeah.

16      Q.   And, again, do you know what it was  
17   that you were picking up from Sherwin Williams?

18      A.   It looked to me like colored water.

19      Q.   Looked like colored water?

20       A.    Yeah.

21       Q.    And you would deliver that back to  
22 the Obitts Chemical facility, correct?

23       A.    Yeah.

24           MR. CLAY: Thanks. I don't have  
25 any other questions right now.

1 EXAMINATION OF WILLIAM GRIFFITH

2 BY MR. McWILLIAMS:

3 Q. Mr. Griffith, my name is Doug  
4 McWilliams. I'll be asking you just a few  
5 questions this morning.

6 Mr. Griffith, when you picked up  
7 chemicals at a customer for CRS or for an  
8 Obitts company, would you be pumping out of  
9 drums or tankers?

10 A. We'd be pumping out of underground  
11 storage.

12 Q. Did you pump out of an underground  
13 storage tank into your tanker truck?

14 A. Yeah.

15 Q. Were there ever situations where  
16 you pumped from drums into your storage -- into  
17 your truck?

18 A. No.

19 Q. Were there ever situations where

20 you picked up drums from a customer of Obitts?

21 A. Yeah.

22 Q. And when you picked up drums, do

23 you know approximately how many drums you'd

24 pick up?

25 A. Pick up anywhere from 50 to 60.

1       Q.   50 to 60 drums would fit inside the  
2 trailer?

3       A.   Yeah.

4       Q.   Would they fit inside in a single  
5 layer or would you stack the drums?

6       A.   Sometimes we'd stack them.

7       Q.   How would you lift the drums to  
8 stack them?

9       A.   They lifted them with a tow motor.

10      Q.   So the customer would lift them?

11      A.   Yeah.

12      Q.   And then how would you unload them  
13 when you got to CRS or Obitts?

14      A.   They unloaded them. We didn't have  
15 nothing to do with unloading them.

16      Q.   So you would drive the truck onto  
17 the CRS site property and then someone else  
18 would unload?

19      A.   Yeah.

20 Q. Do you know who that was?

21 A. No, I don't.

22 Q. When you picked up drums from a  
23 customer, do you know where that would have  
24 been?

25 A. No, I don't.



1       Q.   You mentioned picking up or  
2   visiting a customer in West Virginia. Would  
3   that have been to pick up drums?

4       A.   Nope. I dropped off there.

5       Q.   So when you went to Hundred, West  
6   Virginia, that was to deliver material?

7       A.   Yeah.

8       Q.   Did you pick up any material on  
9   your way back?

10      A.   No.

11      Q.   And would that have been a delivery  
12   with a tanker?

13      A.   Yes.

14      Q.   You also mentioned going to  
15   Pennsylvania. Was that to pick up drums?

16      A.   Pick up and drop off.

17      Q.   And you would pick up drums?

18      A.   Yeah.

19      Q.   And that would be 50 to 60 drums,

20 as you indicated?

21 A. Yeah.

22 Q. And I think you mentioned that was

23 in Rochester, Pennsylvania?

24 A. Rochester.

25 Q. Were there other locations in

1 Pennsylvania that you would pick up on your way

2 back from Rochester?

3 A. No.

4 Q. So you would go to one location and

5 come right back?

6 A. Right.

7 Q. Do you recall the name of the

8 company in Rochester, Pennsylvania?

9 A. No, I don't.

10 Q. Do you recall the nature of the

11 material that you picked up?

12 A. No.

13 Q. The color of the drums?

14 A. Pardon?

15 Q. Do you recall the color of the

16 drums?

17 A. No.

18 Q. About how often did you go to

19 Rochester, Pennsylvania?

20       A.   About once a month.

21       Q.   Were there customers where you

22 would pump out of drums into your tanker truck?

23       A.   No.

24       Q.   You mentioned that Harshaw

25 manufactured colors; is that correct?

1 A. Yeah.

2 Q. Who were some of the customers for  
3 those colors? Where would you ship them to?

4 A. Different locations.

5 Q. Do you recall any of the individual  
6 customers?

7 A. No.

8 Q. Do you know what the process was  
9 that made the colors?

10 A. No.

11 Q. Do you know if there were any  
12 wastes that were created when the colors were  
13 made that needed to be transported off site?

14 A. No.

15 Q. When you were driving for Harshaw,  
16 did you ever take waste material?

17 A. No.

18 Q. What were you transporting when you  
19 were a driver?

20       A.   Color.

21       Q.   Did you know Dorothy Obitts?

22       A.   No.

23       Q.   I'd like to show you a map, if I

24   could. Mr. Griffith, take a moment to look

25   over that.

1           Do you recognize anything about  
2 that piece of paper?

3       A.   No.

4       Q.   Is there a street on that marked  
5 Locust Street running north and south?

6       A.   No.

7       Q.   (Indicating.)

8       A.   That's Locust Street (indicating).

9       Q.   Mr. Griffith, have you identified  
10 Locust Street on the map?

11      A.   Yeah.

12      Q.   And to the left of Locust Street  
13 there's a block marked Chemical Recovery  
14 Systems. Do you see that?

15      A.   Yes.

16      Q.   And to the right of Locust Street  
17 do you recognize that as a depiction of the  
18 Harshaw Chemical Company property?

19      A.   Yeah.

20 Q. And at the end of Locust Street, on

21 the left side of Locust Street, there's a

22 parcel of property north of the CRS site?

23 A. Yeah.

24 Q. That was also owned by Harshaw

25 Chemical. Do you know what they used that part



1 of the property for?

2 A. No, I don't.

3 Q. Where would you get your fuel,

4 Mr. Griffith, when you were driving for

5 Harshaw?

6 A. They had their own fuel.

7 Q. And where was that fuel kept on

8 site?

9 A. Back in the back portion of the

10 plant.

11 Q. And when you say, "The back portion

12 of the plant," looking at the map, the back

13 portion, would that be further to the east --

14 north is up on that page. Would that be

15 further to the east or further to the west?

16 A. Further to the east.

17 Q. Were you also aware of fuel tanks

18 that were further to the west of Locust Street?

19 A. No.

20       Q.   When you drove for Harshaw, how

21   would you enter the plant?

22       A.   How would I enter a plant?

23       Q.   How would you enter the Harshaw

24   plant?

25       A.   Go through the gate.

1 Q. And looking at that map, can you  
2 identify where the gate was?

3 A. No.

4 Q. On Locust Street -- Locust Street  
5 is the street that runs north and south between  
6 the CRS site and Harshaw. Are you aware of a  
7 manhole on Locust Street?

8 A. No.

9 Q. Do you recall there being any  
10 circumstances where Harshaw employees would  
11 enter a manhole on Locust Street to discharge  
12 pigment into the Black River?

13 A. No.

14 Q. Were you aware of any allegations  
15 that the Black River changed color back in the  
16 1970s?

17 A. No.

18 Q. Do you recall a customer of the  
19 CRS -- I'm changing gears again, Mr. Griffith.

20 I apologize.

21 During your time with Chemical

22 Recovery Systems or as an employee of Russell

23 Obitts did you pick up material from Ball

24 Chemical?

25 A. Yes, I did.

1 Q. And was that a pickup in drums or

2 tankers?

3 A. Tankers.

4 Q. And how would you pick up that

5 material?

6 A. They would load it on the tanker.

7 Q. They would load it for you?

8 A. Yeah.

9 Q. And how often would you pick up

10 from Ball Chemical?

11 A. Maybe a couple of times a month.

12 Q. And were they a customer when you

13 started working for Russell Obitts?

14 A. Yeah.

15 Q. And were they a customer when you

16 stopped working for Russell Obitts?

17 A. Yes.

18 Q. And do you recall how much you

19 would pick up in terms of gallons from the site

20 from Ball Chemical?

21 A. No.

22 Q. Would it be a full load?

23 A. Yeah.

24 Q. And a full load into a tanker?

25 A. Yeah.

1 Q. I think you testified earlier that  
2 you thought the tanker was approximately 8,000  
3 gallons. Is that still your recollection?

4 A. Yeah.

5 Q. So one more time, just for my  
6 benefit. How much would you pick up from Ball  
7 Chemical?

8 A. Anywhere from 6 to 8,000 gallons.

9 Q. Mr. Griffith, during your time  
10 working for Russell Obitts did you pick up  
11 material from Uniroyal?

12 A. Yes.

13 Q. Would that be a tanker pickup or a  
14 drum pickup?

15 A. Drums.

16 Q. Would that be a full load of drums  
17 from Uniroyal?

18 A. Yeah.

19 Q. And how many drums was the full

20 load of drums?

21 A. 35 to 40.

22 Q. Do you recall if you would have

23 stacked those drums from Uniroyal?

24 A. No, wouldn't stack them.

25 Q. Do you recall how often you would



1 go to Uniroyal?

2 A. Oh, a couple of times a month.

3 Q. And was Uniroyal a customer when  
4 you started working for Russell Obitts?

5 A. I don't know whether they was or  
6 not.

7 Q. Do you know if they were a customer  
8 when you stopped working for Russell Obitts?

9 A. Yeah, they was.

10 Q. Do you recall where the Uniroyal  
11 facility was?

12 A. No.

13 Q. Mr. Griffith, do you recall picking  
14 up --

15 A. Pardon?

16 Q. Do you recall picking up material  
17 from a Port Clinton facility?

18 A. Yeah.

19 Q. That would be Port Clinton, Ohio?

20       A.   Yeah.

21       Q.   And what company would you be

22 picking up from in Port Clinton?

23       A.   Uniroyal.

24       Q.   When you picked up at Port Clinton

25 from Uniroyal, would you also pick up from any

1 other companies?

2 A. No.

3 Q. You would go directly to Port

4 Clinton and back to the Obitts site?

5 A. Yeah.

6 Q. Mr. Griffith, do you recall picking

7 up material from the Hoover Company?

8 A. No.

9 Q. Do you recall picking up from the

10 Whirlpool company?

11 A. No.

12 Q. Mr. Griffith, do you recall

13 Sylvania being a customer of Obitts?

14 A. No.

15 Q. Mr. Griffith, do you recall the

16 name Gordon Terminal?

17 A. No, I don't.

18 Q. Mr. Griffith, do you recall C&C

19 Supply as being a customer of Russell Obitts?

20       A.   No.

21       Q.   Sitting here today, do you recall

22 any other customers for Russell Obitts?

23       A.   Nope, I can't.

24       Q.   When you started working for

25 Harshaw, I believe you said it was 1955; is

1 that correct?

2 A. Yeah.

3 Q. When you first started working for

4 Harshaw, were there any Harshaw Chemical

5 activities going on in the block that's

6 currently Chemical Recovery Systems on that

7 map, something to the left or to the west of

8 Locust Street?

9 A. No.

10 Q. Was there any storage that occurred

11 across Locust Street? And I'm thinking during

12 those first four or five years of your

13 employment, so it would have been very early.

14 Was there anything that Harshaw did on that

15 side of Locust Street in your recollection?

16 A. No.

17 Q. Refresh my recollection as to what

18 you did those first five years for Harshaw.

19 A. I worked in the pill room.

20 Q. I'm sorry. You worked in which

21 room?

22 A. Pill room.

23 Q. The pill room?

24 A. 580.

25 Q. Where did you park your car?

1       A.   In the parking lot.

2       Q.   Where was the parking lot?

3       A.   Somewhere there off of Locust

4 Street.

5       Q.   So when you came in on Locust

6 Street towards the plant, would you turn right

7 or turn left to the parking lot?

8       A.   Turn right.

9       Q.   Thank you.

10           Was there any reason to turn left

11 off of Locust Street when you were working at

12 Harshaw?

13       A.   Yes.

14       Q.   What would that be?

15       A.   To turn left.

16       Q.   Would there be any Harshaw

17 operations to the left off of Locust Street?

18       A.   No.

19           MR. McWILLIAMS: You've been very

20 patient with me. Thank you very much. I'll

21 reserve some time for some additional

22 questions, but I'll yield the floor.

23 MR. GRAHAM: No questions.

24 MS. HUGGINS: No questions.

25 MR. THIROS: No questions.



1 MR. VINEYARD: No questions.

2 MS. WHITBY: I have nothing. Thank  
3 you.

4 MR. BORDENKIRCHER: No questions.

5 FURTHER EXAMINATION OF WILLIAM GRIFFITH

6 BY MR. CLAY:

7 Q. Mr. Griffith, would you also make  
8 deliveries or drop-offs to the Sherwin Williams  
9 facility?

10 A. I only picked up there.

11 Q. You only picked up there?

12 A. Yeah.

13 Q. Could you tell me of all of the  
14 names that have been thrown at you today, how  
15 is it that you so clearly remember making  
16 pickups from Sherwin Williams?

17 A. I went there about once a week.

18 Q. Was there anything that stands out,  
19 other than the frequency of going there, how

20 often you went there, anything that stands out

21 there about the pickups that you made from

22 Sherwin Williams that makes that recollection

23 so clear for you?

24 A. No.

25 MR. CLAY: Thanks.

1     FURTHER EXAMINATION OF WILLIAM GRIFFITH

2     BY MR. McWILLIAMS:

3       Q.   Mr. Griffith, do you recall the  
4   name Harchem, H-a-r-c-h-e-m?

5       A.   No, I don't.

6       Q.   When you were in shipping and  
7   receiving, did you ever ship materials under  
8   the name Harchem from this Harshaw property?

9       A.   Nope.

10      Q.   Did you ship methanol when you were  
11   in shipping and receiving?

12      A.   No.

13      Q.   Did all of the shipping and  
14   receiving go through you during that time  
15   period?

16      A.   No, not all of it.

17      Q.   What portion of the shipping and  
18   receiving was your responsibility,  
19   Mr. Griffith?

20       A.   Different parts of it.

21       Q.   And what parts would others have

22   had responsibility for?

23       A.   I don't know.

24       Q.   How many people worked in shipping

25   and receiving during that time period?

1       A.    About 15.

2           MR. McWILLIAMS: I have nothing  
3 further.

4           MR. NASH: I don't believe I have  
5 any more questions for you myself,  
6 Mr. Griffith. I don't know if we're done yet,  
7 but I'd like to ask once more. Is there anyone  
8 else around the room that has additional  
9 questions for the witness?

10          MR. McWILLIAMS: Does anyone on the  
11 phone have questions for Mr. Griffith?

12          MS. SHUMWAY: I do not. Thank you.

13          MR. RANCHAD: I do not either.

14          MR. NASH: So I'm taking it that no  
15 one on the line has additional questions for  
16 the witness. Going once, going twice, gone.  
17 No further questions around the table. I think  
18 we're done for the day then.

19               (Deposition concluded.)

20

21

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25

CERTIFICATE

The State of Ohio, )

SS:

County of Cuyahoga. )

I, RENEE L. PELLEGRINO, a Notary

Public within and for the State of Ohio, duly

commissioned and qualified, do hereby certify

that the within named witness, WILLIAM

GRIFFITH, was by me first duly sworn to testify

the truth, the whole truth and nothing but the

truth in the cause aforesaid; that the

testimony then given by the above-referenced

witness was by me reduced to stenotypy in the

presence of said witness; afterwards

transcribed, and that the foregoing is a true

and correct transcription of the testimony so

given by the above-referenced witness.

I do further certify that this

20 deposition was taken at the time and place in

21 the foregoing caption specified and was

22 completed without adjournment.

23

24

25



1 I do further certify that I am not  
2 a relative, counsel or attorney for either  
3 party, or otherwise interested in the event of  
4 this action.

5 IN WITNESS WHEREOF, I have hereunto  
6 set my hand and affixed my seal of office at  
7 Cleveland, Ohio, on this \_\_\_\_\_ day of  
8 \_\_\_\_\_, 2008.

9

10

11

12

13

\_\_\_\_\_

14 RENEE L. PELLEGRINO, Notary Public

15 within and for the State of Ohio

16

17 My commission expires APRIL 24, 2010.

18

19

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25

SIGNATURE OF WITNESS

The deposition of WILLIAM GRIFFITH,

taken in the matter, on the date, and at the

time and place set out on the title page

hereof.

It was requested that the

deposition be taken by the reporter and that

same be reduced to typewritten form.

It was agreed by and between

counsel and the parties that the Deponent will

read and sign the transcript of said

deposition.

20

21

22

23

24

25

AFFIDAVIT

The State of Ohio, )

) SS:

County of Cuyahoga )

Before me, a Notary Public in and for

said County and State, personally appeared

WILLIAM GRIFFITH, who acknowledged that he/she

did read his/her transcript in the

above-captioned matter, listed any necessary

corrections on the accompanying errata sheet,

and did sign the foregoing sworn statement and

that the same is his/her free act and deed.

In the TESTIMONY WHEREOF, I have hereunto

affixed my name and official seal at this\_\_\_\_\_

day of \_\_\_\_\_ A.D. 2007.

20

21

---

22

Notary Public

23

24

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25

My Commission Expires:

1 DEPOSITION ERRATA SHEET

2  
3 RE: In The Matter of the Chemical  
4 Recovery Systems Superfund Site,  
5 Elyria, Ohio

6  
7 Job No.: 14400

8 Deponent: WILLIAM GRIFFITH

9 Deposition Date: MAY 8, 2008

10  
11 To the Reporter:

12 I have read the entire transcript of my  
13 Deposition taken in the captioned matter or the  
14 same has been read to me. I request that the  
15 following changes be entered upon the record  
16 for the reasons indicated. I have signed my  
17 name to the Errata Sheet and the appropriate  
18 Certificate and authorize you to attach both to  
19 the original transcript.

20

21

22

23

24 \_\_\_\_\_

25 WILLIAM GRIFFITH







STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared William J. Griffith, who having read and reviewed the foregoing Affidavit, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_ 2000.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

My Commission expires \_\_\_\_\_.

EXHIBIT  
Griffith  
2  
5.8.09  
PENGAD 800-631-6986

# THE CHRONICLE-TELEGRAPH

Elyria, Ohio

Monday, September 16, 1974

The **Colorful** Newspaper

30 Pages

## Elyria Phone wants big rate hikes

The Elyria Telephone Co. is asking for rate increases that would nearly double the cost for single-party phone users and substantial hikes for other users.

The request will be filed with the Public Utilities Commission of Ohio (PUCO) this week, according to Nelson H. Case, president of the Elyria Telephone Co., a subsidiary of Mid-Continent Telephone Co., Hudson.

"Elyria Tel's rates are as antiquated as nickle beer. Now, we're merely bringing 1958 rates up to our real costs," the company is telling stockholders.

THE COMPANY'S last rate increase was gained in 1958, Case said. The PUCO investigation which will follow this week's application will take 12 to 18 months, the brochure stockholders said.

Public hearings on the request are expected in the last quarter of 1975 and the increases could be effective in early 1976, the company said.

The increases would add more than \$2.3 million annually from local service rates, Case said.

PROPOSED NEW RATES are \$11.30 for a single party residential line from the present \$5.90 rate, \$9.60 for a two-party residence, from \$5.30 and \$7.90 for a five-party residence, from the present \$4.50.

Business rates proposed are \$22.60 for a one-party line, from the present \$11.50, and \$19.20 for a two-party line, up from \$9.60.

Columbia Station rates would also be increased under the proposal.

Factors cited for the increase request include higher costs of telephone equipment, increases in construction costs and increases in capital expenditures.

THE PROPOSALS would eliminate the 35-cent monthly color phone charges, 50-cent monthly jack charge and reduce the basic rate for extensions from \$1.25 to 95 cents and business extensions from \$2.25 to \$2.

Also eliminated would be zone charges for subscribers outside of the Elyria zone.

An average Elyria resident's total bill including toll charges would rise about 23 per cent, Case said.

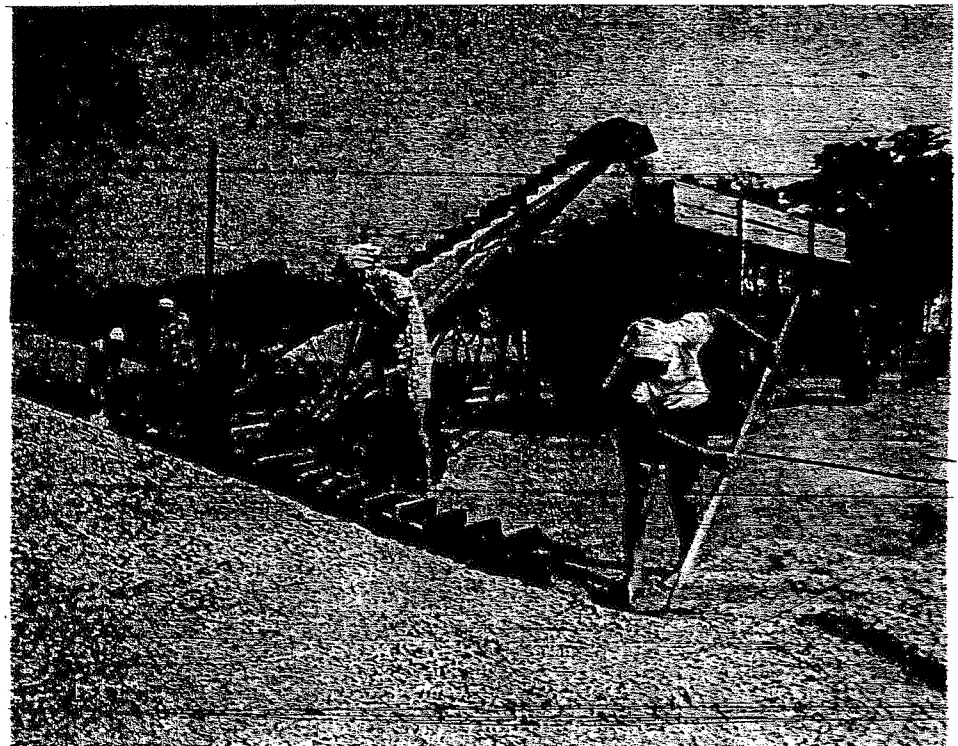
About 78 per cent of Elyria Telephone customers had private one-party lines as of Dec. 31, 1973.

Soaring costs of wages, taxes, equipment and interest on money have all contributed to the need for increased rates, Case said.

"We must continue to maintain, improve and expand service for our present and future customers. Higher rates are essential. We can no longer absorb the increases in costs and still meet our service obligations to the public."

Elyria Telephone currently serves more than 54,000 telephone

## Conditional amnesties Up to 24 months'



### Soviet gold

Soviet farm workers load grain in the wheat-growing area of the Soviet Union along the Don River. The wheat harvest is critical this year and the government has already warned the Soviets to guard against wasting

bread. Housewives are being urged to cut loaves into thin slices, and wrap them in napkins to keep it from going stale. The last save-bread alert coincided with an unexpected poor grain harvest in 1972. (AP photo)

## Longest strike settled after 142 days

# Harshaw resuming production

By DAVE RUSS

Harshaw Chemical Co. is expected to resume full production here within the next two days after workers yesterday ratified a new contract with "more than double" the benefits package originally offered.

The Harshaw shutdown, 142 days, is believed to be the longest in recent Elyria history.

The new contract contains 85 cents in hourly wage hikes over three years, unlimited cost of living increases and major improvements in medical benefits. The agreement was approved by a vote of 137 to 92. Roy Moore, president of the 300-member Local 73 of the International Chemical Workers union, said he expects some workers to be called back today, ending the record strike.

15 cents on the second shift and 18 cents to 22 cents on the third shift.

Pension increases from \$4.50 per month per year to \$6 per month per year.

"TWO THINGS were a must — cost of living and the medical insurance," Moore said.

The pay raises, using \$4.47 as the average hourly rate under the old contract, were nine per cent the first year and 4.5 per cent the second and third years, Moore said.

Contract provisions are effective today.

The company had originally offered 20, 10, and 15 cent pay raises over a three-year contract. The package more than doubled from the original offer, Moore said, referring to the company offer which led to the April 27 walkout.

was the addition of Metropolitan Life's Saver's Plan, a voluntary and Reasonable medical payment plan.

Employee payments in the new plan remain the same, while company payments will make up for the rate increase, Moore said.

ANOTHER PENSION improvement provides that when an employee retires after 10 years of service he will get 75 per cent of the pension he would have gotten at age 65, instead of the present 44.68 per cent of the age 65 pension.

The 200 workers at Harshaw's Cleveland plant will hold a ratification meeting today, Moore said, while about 70 workers who struck the company's Solon plant continue the "no work" protest yesterday.

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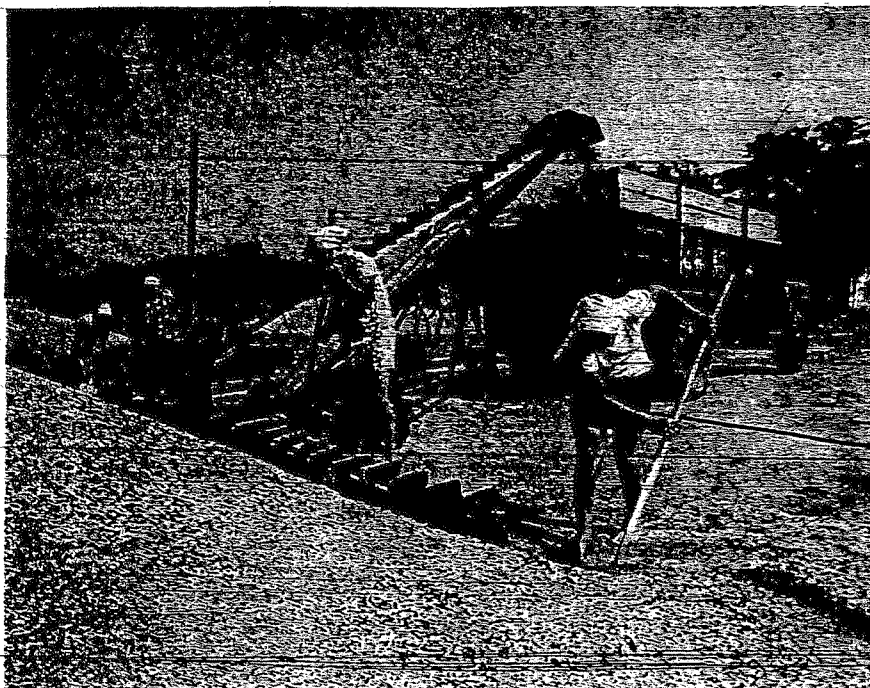
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### CONTRACT improvements include

A major revision of the medical plan, from a combination of Blue Cross and Metropolitan Life to complete coverage under a \$200,000 Metropolitan major medical plan.

- an additional paid holiday, bringing the total to 10
- an extra week of vacation for 25-year workers, bringing the total to five weeks.
- improvements in shift differential pay from 11 cents to 15 cents on the second shift and 18 cents to 23 cents on the third shift.

— pension increases from \$4.50 per month per year to \$6 per month per year.

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The company had originally offered 20.10 and 15-cent pay raises over a three-year contract. The package more than doubled from the original offer, Moore said, referring to the company offer which led to the April 27 walkout.

The "biggest" medical insurance improvement, he said,

was the addition of Metropolitan Life's LCR — Local Customary and Reasonable — medical payment plan.

Employee payments in the new plan remain the same, while company payments will make up for the rate increase, Moore said.

**ANOTHER PENSION** improvement provides that if an employee retires after 10 years of service he will get 70 per cent of the pension he would have gotten at age 65 instead of the present 44.68 per cent of the age 65 pension.

The 300 workers at Harshaw's Cleveland plant will hold a ratification meeting today, Moore said, while about 100 workers who struck the company's Solon plant ratified their agreement yesterday.

The new contract expires May 1, 1977. Local company officials, who were unavailable for comment, were huddling this morning to set production schedules.

The agreement was reached in a bargaining session which began Friday morning and lasted until early Saturday. "I wasn't exactly surprised at the settlement," it happened maybe a week or two sooner than I thought it would," Moore said.

Most of them, workers who attended the ratification meeting yesterday, thought it was a good contract — it's just that we had to stay on the streets 142 days to get it.

### Bulletin

**N'SELE, Zaire (AP)** — Heavyweight champion George Foreman was cut over the eye in training today and his manager, Dick Sadler, said, "We'll ask for a postponement" of his Sept. 25 title fight here against Muhammad Ali.

"I'm very disappointed," Foreman said after Sadler's statement. "It was a lot of hard work," he said.

## 9 still held in Holland

# Japanese terrorists free 2 women

**THE HAGUE, Netherlands (AP)** — Japanese terrorists released two women hostages from the French Embassy early today, but continued to hold nine male hostages, including French Ambassador Jacques Senard.

"We are progressing, but I believe that we are not yet completely in the last hours," French Foreign Minister Jean Sauvagnargues said in Paris.

**DUTCH PREMIER** Joop den Uyl said in a television interview "there are so many uncertain factors in this that I can't tell you concretely."

"I have a feeling that in the next 24 hours a series of very difficult decisions will have to be taken by us."

He said "a matter of special concern" was that the three terrorists and the hostages were getting tired and edgy.

**THE TERRORISTS** seized the embassy late Friday afternoon to gain the release of a Japanese Red Army colleague jailed in France. France flew him to Amsterdam airport that evening.

## Doctor's warning

A police spokesman said the release of the two 22-year-old women was the result of negotiations between the three terrorists and the Dutch Justice Ministry. He described the move as a significant step, but he refused to confirm or deny reports from diplomatic sources a deal for the remaining hostages was imminent.

The two women, the embassy telephone operator, and Senard's secretary, were taken away in ambulances. A police spokesman said the women reported the terrorists had not mistreated any of the hostages.

**A GOVERNMENT** spokesman said the terrorists had asked for food and cigarettes. They were given cartons of tomato soup, cheese sandwiches and soft drinks.

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# rate hikes Up to 24 months

The Elyria Telephone Co. is asking for rate increases that would nearly double the cost for single-party phone users and substantial hikes for other users.

The request will be filed with the Public Utilities Commission of Ohio (PUCO) this week, according to Nelson H. Case, president of the Elyria Telephone Co., a subsidiary of Mid-Continent Telephone Co., Hudson.

"Elyria Tel's rates are as antiquated as nickle beer. Now, we're merely bringing 1958 rates up to our real costs," the company is telling stockholders.

**THE COMPANY'S** last rate increase was gained in 1958, Case said. The PUCO investigation which will follow this week's application will take 12 to 18 months, the brochure stockholders said.

Public hearings on the request are expected in the last quarter of 1975 and the increases could be effective in early 1976, the company said.

The increases would add more than \$2.3 million annually from local service rates, Case said.

**PROPOSED NEW RATES** are \$11.30 for a single party residential line from the present \$5.90 rate; \$9.60 for a two-party residence, from \$5.30 and \$7.90 for a five-party residence, from the present \$4.50.

Business rates proposed are \$22.50 for a one-party line, from the present \$11.50, and \$19.20 for a two-party line, up from \$9.60.

Columbia Station rates would also be increased under the proposal.

Factors cited for the increase request include higher costs of telephone equipment, increases in construction costs and increases in capital expenditures.

**THE PROPOSALS** would eliminate the 35-cent monthly color phone charges, 50-cent monthly jack charge and reduce the basic rate for extensions from \$1.25 to 95 cents and business extensions from \$2.25 to \$2.

Also eliminated would be zone charges for subscribers outside of the Elyria zone.

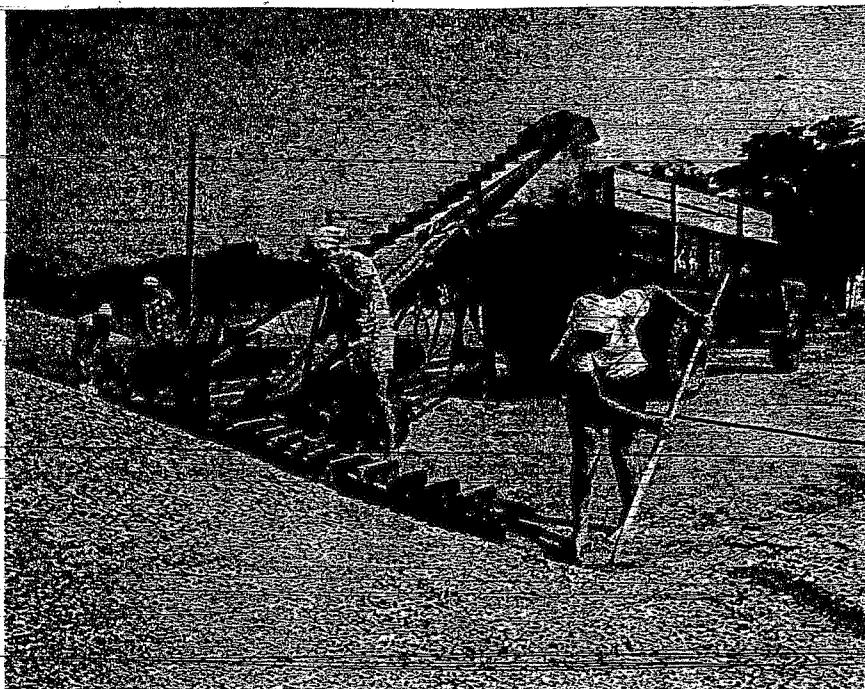
An average Elyria resident's total bill, including toll charges would rise about 23 per cent, Case said.

About 78 per cent of Elyria Telephone customers had private, one-party lines as of Dec. 31, 1973.

Soaring costs of wages, taxes, equipment and interest on money have all contributed to the need for increased rates, Case said.

"We must continue to maintain, improve and expand service for our present and future customers. Higher rates are essential. We can no longer absorb the increases in costs and still meet our service obligations to the public."

Elyria Telephone currently serves more than 54,000 telephone lines.



## Soviet gold

Soviet farm workers load grain in the wheat-growing area of the Soviet Union along the Don River. The wheat harvest is critical this year and the government has already warned the Soviets to guard against wasting

bread. Housewives are being urged to cut loaves into thin slices and wrap them in napkins to keep it from going stale. The last save-bread alert coincided with an unexpected poor grain harvest in 1972. (AP photo)

## Longest strike settled after 142 days

# Harshaw resuming production

By DAVE RUSS

Harshaw Chemical Co. is expected to resume full production here within the next two days after workers yesterday ratified a new contract with "more than double" the benefits package originally offered.

The Harshaw shutdown 142 days, is believed to be the longest in recent Elyria history.

The new contract contains 85 cents in hourly wage hikes over three years, unlimited cost of living increases and major improvements in medical benefits. The agreement was approved by a vote of 137 to 32. Doy Moore, president of the 300-member Local 73 of the International Chemical Workers union, said he expects some workers to be called back today, ending the record strike.

**CONTRACT** improvements include:

— A major revision of the medical plan, from a combination of Blue Cross and Metropolitan Life to complete coverage under a \$200,000 Metropolitan major medical plan.

— an additional paid holiday, bringing the total to 10.

— an extra week of vacation for 25-year workers, bringing the total to five weeks.

— improvements in shift differential pay, from 11 cents to

15 cents on the second shift and 18 cents to 23 cents on the third shift.

— pension increases from \$4.50 per month per year to \$6 per month per year.

**"TWO THINGS** were a must — cost of living and the medical insurance," Moore said.

The pay raises, using \$4.47 as the average hourly rate under the old contract, were nine per cent the first year and 4.5 per cent the second and third years, Moore said.

Contract provisions are effective today.

The company had originally offered 20, 10 and 15-cent pay raises over a three-year contract. "The package more than doubled from the original offer," Moore said, referring to the company offer which led to the April 27 walkout.

The "biggest" medical insurance improvement, he said,

was the addition of Metropolitan Life's UCR — Usual, Customary and Reasonable — medical payment plan.

Employee payments in the new plan remain the same, while company payments will make up for the rate increase, Moore said.

**ANOTHER PENSION** improvement provides that if an employee retires after 10 years of service he will get 70 per cent of the pension he would have gotten at age 65, instead of the present 44.68 per cent of the age 65 pension.

The 300 workers at Harshaw's Cleveland plant will hold a ratification meeting today, Moore said, while about 100 workers who struck the company's Solon plant ratified their agreement yesterday.

The new contract expires May 1, 1977. Local company officials, who were unavailable for comment, were huddling this morning to set production schedules.

The agreement was reached in a bargaining session which began Friday morning and lasted until early Saturday. "I wasn't exactly surprised at the settlement — it happened maybe a week or two sooner than I thought it would," Moore said.

"Most of them workers who attended the ratification meeting yesterday thought it was a good contract — it's just that we had to stay on the streets 142 days to get it."

## Bulletin

**N'SELE, Zaire (AP)** — Heavyweight champion George Foreman was cut over the eye in training today and his manager, Dick Sadler, said, "We'll ask for a postponement" of his Sept. 25 title fight here against Muhammad Ali.

"I'm very disappointed," Foreman said after Sadler's statement. "It was a lot of hard work," he said.

## 9 still held in Holland

# Japanese terrorists free 2 women

**THE HAGUE, Netherlands (AP)** — Japanese terrorists released two women hostages from the French Embassy early today, but continued to hold nine male hostages, including French Ambassador Jacques Senard.

"We are progressing, but I believe that we are not yet completely in the last hours," French Foreign Minister Jean Sauvagnargues said in Paris.

**DUTCH PREMIER** Joop den Uyl said in a television interview "there are so many uncertain factors in this that I can't tell you concretely."

"I have a feeling that in the next 24 hours a series of very difficult decisions will have to be taken by us."

He said "a matter of special concern" was that the three terrorists and the hostages were getting tired and edgy.

**THE TERRORISTS** seized the embassy late Friday afternoon to gain the release of a Japanese Red Army colleague jailed in France. France flew him to Amsterdam airport that evening.

## Doctor's warning

A police spokesman said the release of the two 22-year-old women was the result of negotiations between the three terrorists and the Dutch Justice Ministry. He described the move as a significant step, but he refused to confirm or deny reports from diplomatic sources a deal for the remaining hostages was imminent.

The two women, the embassy telephone operator, and Senard's secretary, were taken away in ambulances. A police spokesman said the women reported the terrorists had not mistreated any of the hostages.

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